



## MEETING OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY

# Agenda

Cheryl Cox, Mayor/Chair

Rudy Ramirez, Council/Agency Member  
Mitch Thompson, Interim Council/Agency Member  
Pamela Bensoussan, Council/Agency Member  
Steve Castaneda, Council/Agency Member

James D. Sandoval, City Manager/Executive Director  
Bart Miesfeld, City Attorney/Agency Counsel  
Donna Norris, City Clerk

### MEETING OF THE CITY COUNCIL, REDEVELOPMENT AGENCY AND HOUSING AUTHORITY OF THE CITY OF CHULA VISTA

May 4, 2010  
4:00 p.m.

Council Chambers  
City Hall – Building 100  
276 Fourth Avenue

#### CALL TO ORDER

**ROLL CALL:** Council/Agency Members Bensoussan, Castaneda, Ramirez, Thompson, and Mayor/Chair Cox

#### PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENCE

#### SPECIAL ORDERS OF THE DAY

- **OATHS OF OFFICE**  
Randy Bellamy, Charter Review Commission  
Francisco Javier Nava, Design Review Board
- **RECOGNITION BY MARIA KACHADOORIAN, FINANCE DIRECTOR, OF ALL FINANCE DEPARTMENT STAFF AS EMPLOYEES OF THE MONTH**
- **PROCLAMATION PROCLAIMING WEDNESDAY, MAY 5, 2010 AS LAW ENFORCEMENT OFFICERS' MEMORIAL DAY IN THE CITY OF CHULA VISTA**
- **PRESENTATION OF A PROCLAMATION TO MANUEL GONZALEZ, AQUATICS COORDINATOR III, RECOGNIZING MAY AS DROWNING PREVENTION MONTH IN THE CITY OF CHULA VISTA**

- PROCLAMATION PROCLAIMING THE WEEK OF MAY 16-22, 2010 AS NATIONAL PUBLIC WORKS WEEK
- PRESENTATION OF A PROCLAMATION TO CHRISTINE MOORE, DIRECTOR OF EXTERNAL AFFAIRS FOR AT&T, DECLARING MAY 2010 AS “NO TEXTING WHILE DRIVING” MONTH IN THE CITY OF CHULA VISTA

## **CONSENT CALENDAR**

(Items 1-13)

*The Council/Agency will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Council/Agency Member, a member of the public, or staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a “Request to Speak” form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed immediately following the Consent Calendar.*

1. APPROVAL OF MINUTES of January 5, 2010.

Staff recommendation: Council approve the minutes.

2. WRITTEN COMMUNICATIONS

Letter of resignation from Lisa E. Jensen, Commission on Aging.

Staff recommendation: Council accept the resignation.

3. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHAPTER 20 OF THE CHULA VISTA MUNICIPAL CODE TO CONFORM TO NEW PROPERTY-ASSESSED CLEAN ENERGY (PACE) RETROFIT PROGRAMS, AUTHORIZED UNDER CALIFORNIA ASSEMBLY BILLS 811 AND 474 (SECOND READING AND ADOPTION)

As authorized by California Assembly Bills 811 and 474, the City is developing a voluntary program, “Property-Assessed Clean Energy” (PACE), which would allow property-owners to voluntarily finance energy and water efficiency improvements through a tax assessment on their property. Adoption of the ordinance clarifies under Section 20.08 of the Chula Vista Municipal Code, the voluntary assessment and adds the title “Water”, to more accurately reflect the scope and content of the code section. (Director of Conservation and Environmental Services)

Staff recommendation: Council adopt the ordinance.

4. ORDINANCE OF THE CITY OF CHULA AMENDING VARIOUS SECTIONS OF THE CHULA VISTA MUNICIPAL CODE INCLUDING TITLE 19 (ZONING ORDINANCE) RELATED TO DEVELOPMENT REVIEW ADMINISTRATION PROCEDURES; PARKING REGULATIONS, AND NON CONFORMING USES/STRUCTURES; AND TITLE 2 (ADMINISTRATION AND PERSONNEL) RELATED TO THE PLANNING RELATED DUTIES AND FUNCTIONS OF THE CHULA VISTA REDEVELOPMENT CORPORATION; AND TITLE 18 (SUBDIVISIONS) RELATED TO ADMINISTRATIVE PROCEDURES FOR THE SUBDIVISION OF LAND FOR THE PURPOSE OF PROCESS IMPROVEMENTS (SECOND READING AND ADOPTION)

In early 2009, the Development Services Department launched a comprehensive review of the City's development review process to determine improvements that could streamline it, increase transparency, improve public access, make it more predictable for applicants and reduce the cost. The item is the initial phase of Process Improvements that is recommended to begin to implement the Program's objectives. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the ordinance.

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT FOR EMPLOYEES IN SPECIFIED JOB CLASSIFICATIONS, WHO ARE MEMBERS OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) LOCAL MISCELLANEOUS AND LOCAL PUBLIC SAFETY-FIRE GROUPS, PURSUANT TO GOVERNMENT CODE 20903

In an effort to significantly reduce General Fund expenditures for fiscal years 2011 and 2012 and to avoid impending mandatory transfers, layoffs and demotions, it is the City's intent to grant another designated period for the CalPERS Two Years Additional Service Credit benefit option as an incentive to retirement of specified classifications (Appendix A) covered under the City's contracts with CalPERS for Local Miscellaneous and Local Public Safety Fire employees. CalPERS requires that the estimated additional employer contributions that will be required in the future for providing the two years service credit be disclosed no less than two weeks prior to the adoption of the resolution implementing the option. The additional employer cost was originally presented to Council on April 13, 2010. Council requested clarification on several points and staff presented the additional information to Council on April 20, 2010. This incentive will be available to eligible employees who retire May 5, 2010 – August 2, 2010. (Director of Human Resources)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE FORMAL BIDDING PROCESS AND APPROVING A THREE-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA, KLR PLANNING (CONSULTANT), AND OTAY VALLEY QUARRY, LLC (APPLICANT), FOR CONSULTING SERVICES RELATED TO THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR A MINING RECLAMATION PLAN

The applicant has submitted a mining reclamation plan associated with mining activities in a vested mining rights area. The Development Services Director has determined that the proposed project requires the preparation of an Environmental Impact Report. Adoption of the resolution approves a contract with KLR Planning in an amount not to exceed \$90,451, for consultant services for the preparation of CEQA required environmental documents, and \$22,612.75 for additional services if necessary. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE 2010-2015 REGIONAL ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE AND AUTHORIZING ITS SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Department of Housing and Urban Development (HUD) requires that all state, county, and local governments receiving Community Development Block Grant (CDBG) and HOME funds, prepare an Analysis of Impediments to Fair Housing (Analysis) every five years. The Analysis identifies fair housing impediments that affect both the region and the City and provides recommendations to remedy the impediments and further fair housing. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the resolution.

8. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) APPROVING THE 2010-2015 CONSOLIDATED PLAN AND FISCAL YEAR 2010/2011 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), AND THE EMERGENCY SHELTER GRANT (ESG) PROGRAMS; (2) AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AGREEMENTS FOR THE MANAGEMENT AND IMPLEMENTATION OF ELIGIBLE PROJECTS WITH EACH SUB-RECIPIENT/CONTRACTOR; (3) AMENDING THE FISCAL YEAR 2008/2009 HUD ANNUAL ACTION PLAN TO RE-ALLOCATE \$120,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY ACT PROGRAM FUNDS TO AN ELIGIBLE PROJECT; AND (4) AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL RELATED DOCUMENTS NECESSARY TO OBTAIN THE HUD GRANTS

As a Housing and Urban Development (HUD) entitlement community, the City receives grant funds under the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and the HOME Investment Partnerships Act Program (HOME). The funds are distributed among local non-profits, housing developers and City departments to provide decent housing, economic opportunities and a suitable living environment for low and moderate-income persons. On March 23, 2010, the City Council held a Public Hearing on priorities for the 2010-2015 Consolidated Plan and 2010-2011 CDBG, HOME and ESG funding recommendations. Adoption of the resolution approves the final 2010-2015 Consolidated Plan and 2010-2011 Action Plan which contains the spending plan. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the resolution.

9. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA EXTENDING THE TEMPORARY CLOSURE OF CENTER STREET AND A PORTION OF CHURCH AVENUE, FOR THE DOWNTOWN FARMERS' MARKET FROM 2:00 P.M. TO 8:30 P.M. ON THURSDAY AFTERNOONS FOR A TWO-YEAR PERIOD, SUBJECT TO CONDITIONS OF APPROVAL AND WAIVING THE BUSINESS LICENSE FEE REQUIREMENT FOR VENDORS PARTICIPATING IN THE FARMERS MARKET

On November 6, 2007, the City Council adopted Resolution No. 2007-260 extending the temporary closure of Center Street and a portion of Church Avenue for the Third Avenue Village Certified Farmers Market, and waiving the business license requirement for participating vendors. The street closure and business license waiver have been approved in two-year intervals since October 1995. Adoption of the resolution extends the temporary street closure and business license fee waiver for an additional two-year period. (Deputy City Manager/Development Services Director)

Staff recommendation: Council adopt the resolution.

10. RESOLUTION OF THE CHULA VISTA **REDEVELOPMENT AGENCY** OF THE CITY OF CHULA VISTA (A) AUTHORIZING AN INTERFUND LOAN OF APPROXIMATELY \$4.1 MILLION FROM THE LOW AND MODERATE INCOME HOUSING FUND, TO THE REDEVELOPMENT FUND, FOR THE STATE REQUIRED SERAF (SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND) PAYMENT; AND (B) AUTHORIZING NECESSARY BUDGET ADJUSTMENTS TO APPROPRIATE THE INTERFUND LOAN OF APPROXIMATELY \$4.1 MILLION (4/5THS VOTE REQUIRED)

Assembly Bill (AB) 26 4x of 2009 requires redevelopment agencies to remit a prescribed share of a cumulative contribution to the Supplemental Educational Revenue Augmentation Fund (SERAF) by May 10, 2010. The current calculation issued by the County of San Diego (County) requires a payment of \$4.1 million for 2010 and \$900,000 for 2011, bringing the total outstanding obligation of the Chula Vista Redevelopment Agency (Agency) to \$5 million. (Deputy City Manager/Development Services Director)

Staff recommendation: Agency adopt the resolution.

11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE FISCAL YEAR 2009/2010 LIBRARY BUDGET, BY APPROPRIATING A ONE-TIME UNANTICIPATED GRANT REVENUE IN THE AMOUNT OF \$1,999.99, FOR THE SAN DIEGO COUNCIL ON LITERACY AWARD FOR AFFILIATED LITERACY PROGRAMMING AT THE CHULA VISTA LIBRARY ENTITLED "LEAP INTO READING" (4/5THS VOTE REQUIRED)

The Chula Vista Public Library has received a one-time grant award from the San Diego Council on Literacy – Affiliate Support Fund in the amount of \$1,999.99 for fiscal year 2010, to support the library's "Leap into Reading" program to fund supplies, books and classroom materials. (Library Director)

Staff recommendation: Council adopt the resolution.

12. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DESIGNATING A HYBRID GERANIUM AS THE CHULA VISTA CENTENNIAL GERANIUM

In 1964, the Geranium was designated as the official City flower of Chula Vista. Part of this designation recognized that the geranium could be hybridized. Adoption of the resolution officially designates a new hybrid geranium as the Chula Vista Centennial Geranium. (Director of Public Works)

Staff recommendation: Council adopt the resolution.

13. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE MAYOR TO EXECUTE THE ASSIGNMENT OF TWO EXISTING AGREEMENTS WITH THE SAN DIEGO UNIFIED PORT DISTRICT TO THE CHULA VISTA NATURE CENTER FOUNDATION, AND DELEGATING AUTHORITY TO THE CITY MANAGER TO EXECUTE ANY AND ALL ADDITIONAL AGREEMENTS NECESSARY TO COMPLETE THE TRANSFER OF OPERATIONS OF THE CHULA VISTA NATURE CENTER TO THE CHULA VISTA NATURE CENTER FOUNDATION, AS CONTEMPLATED BY THE OPERATING AGREEMENT

The City currently has two agreements with the San Diego Unified Port District (Port) for the provision of Port funding to support programs and activities. Adoption of the resolution approves the Assignment and Assumption Agreements between the City and the Foundation to allow for the transfer of the agreements from the City to the Foundation. (Director of Recreation)

Staff recommendation: Council adopt the resolution.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**



## PUBLIC COMMENTS

*Persons speaking during Public Comments may address the Council/Agency/Authority on any subject matter within the Council/Agency/Authority's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council/Agency/Authority from discussing or taking action on any issue not included on the agenda, but, if appropriate, the Council/Agency/Authority may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.*

## PUBLIC HEARINGS

*The following item(s) have been advertised as public hearing(s) as required by law. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.*

### 14. CONSIDERATION OF THE PROPOSED ASSESSMENT OF CERTAIN DELINQUENT SEWER SERVICE CHARGES AS RECORDED LIENS AND PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

The Chula Vista Municipal Code Section 13.14.150 allows delinquent sewer service charges to be assessed as recorded liens upon the affected owner occupied properties and ultimately placed on the property tax bills for collection. (Director of Finance)

Staff recommendation: Council conduct the public hearing, consider all testimony, and adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA  
ASSESSING CERTAIN DELINQUENT SEWER SERVICE CHARGES AS  
RECORDED LIENS UPON THE RESPECTIVE OWNER OCCUPIED  
PARCELS OF LAND AND APPROVING PLACEMENT OF DELINQUENT  
CHARGES ON THE NEXT REGULAR TAX BILL

### 15. CONSIDERATION OF THE PROPOSED ASSESSMENT OF CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES AS RECORDED LIENS AND PLACEMENT OF DELINQUENT CHARGES ON THE NEXT REGULAR TAX BILL FOR COLLECTION

The Chula Vista Municipal Code Section 8.24 allows delinquent solid waste service charges to be assessed as recorded liens upon the affected properties and ultimately placed on the property tax bills for collection. (Director of Finance)

Staff recommendation: Council conduct the public hearing, consider all testimony, and adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA  
ASSESSING CERTAIN DELINQUENT SOLID WASTE SERVICE CHARGES  
AS RECORDED LIENS UPON THE RESPECTIVE PARCELS OF LAND AND  
APPROVING PLACEMENT OF DELINQUENT CHARGES ON THE NEXT  
REGULAR TAX BILL

**ACTION ITEMS**

*The Item(s) listed in this section of the agenda will be considered individually by the Council/Agency/Authority and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.*

16. CONSIDERATION OF A CONTRACT WITH FIRE RECOVERY USA, LLC FOR COST RECOVERY SERVICES FOR EMERGENCY SERVICES, AND AMENDING CHAPTER XV OF THE CHULA VISTA MASTER FEE SCHEDULE

The Fire Department desires to implement a new program to recover increased costs associated with responses to vehicle accidents where hazardous mitigation is required. Fire Recovery USA, LLC has been selected to provide billing and collection services for the City of Chula Vista. (Fire Chief)

Staff recommendation: Council adopt the following resolutions:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CONTRACT WITH FIRE RECOVERY USA, LLC TO PROVIDE EMERGENCY SERVICES COST RECOVERY SERVICES
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER XV FIRE DEPARTMENT FEES OF THE CITY OF CHULA VISTA MASTER FEE SCHEDULE

17. CONSIDERATION OF LOAN AGREEMENT AND BOND ISSUANCE TO FINANCE THE LANDINGS II AFFORDABLE HOUSING DEVELOPMENT

Chelsea Investment Corporation (CIC) and Brookfield-Shea have proposed the development and construction of a 143-unit affordable housing development for low-income households, known as The Landings II (the Project) within the Winding Walk master planned community. To finance the Project, CIC has requested a \$2.4 million loan from the City's HOME funds, \$2 million from its Affordable Housing In-lieu Fees, \$4 million from the Redevelopment Agency of the City of Chula Vista and issuance of \$30 million in Multifamily Housing Revenue Bonds by the City's Housing Authority. Adoption of the resolutions authorizes the execution of all documents necessary to fund the requested loans and issuance of bonds to finance The Landings II affordable housing development. (Deputy City Manager/Development Services Director)



Staff recommendation: Council/Agency/Authority adopt the following resolutions:

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (A) APPROPRIATING \$2,400,000 FROM HOME INVESTMENT PARTNERSHIP FUNDS AND \$2,000,000 FROM HOUSING AUTHORITY IN LIEU FEES FOR THE DEVELOPMENT OF THE LANDINGS II; AND (B) AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE HOME LOAN AGREEMENT AND A LOAN AGREEMENT BY AND BETWEEN THE CITY OF CHULA VISTA, AND LANDINGS II, L.P. AND ALL OTHER AGREEMENTS AND DOCUMENTS NECESSARY FOR THE FINANCING OF THE LANDINGS II AFFORDABLE APARTMENT PROJECT (4/5THS VOTE REQUIRED)
- B. RESOLUTION OF THE **REDEVELOPMENT AGENCY** OF THE CITY OF CHULA VISTA AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A LOAN AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY AND LANDINGS II, L.P. AND ALL OTHER AGREEMENTS AND DOCUMENTS NECESSARY FOR THE FINANCING OF THE LANDINGS II AFFORDABLE APARTMENT PROJECT
- C. RESOLUTION OF THE **HOUSING AUTHORITY** OF THE CITY OF CHULA VISTA AUTHORIZING THE ISSUANCE OF MULTIFAMILY HOUSING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE LANDINGS II MULTIFAMILY RENTAL HOUSING PROJECT, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY AND ALL DOCUMENTS NECESSARY TO ISSUE THE BONDS, AND IMPLEMENT THIS RESOLUTION, AND RATIFYING AND APPROVING ANY ACTION HERETOFORE TAKEN IN CONNECTION WITH THE BONDS

## **OTHER BUSINESS**

### **18. CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS**

### **19. MAYOR/CHAIR'S REPORTS**

- A. Ratification of appointment of Allen Gore to the Cultural Arts Commission.
- B. Ratification of appointment of Michael Lengyel to the Housing Advisory Commission.
- C. Ratification of appointment of Robert Coleman to the Resource Conservation Commission.

### **20. COUNCIL/AGENCY MEMBERS' COMMENTS**

**ADJOURNMENT** City Council adjourns to the next regular meeting on May 11, 2010, at 4:00 p.m.; RDA adjourns to the next regular meeting on June 1, 2010, at 4:00 p.m.

*Materials provided to the City Council/Redevelopment Agency related to any open-session item on this agenda are available for public review at the City Clerk's Office, located in City Hall at 276 Fourth Avenue, Building 100, during normal business hours.*

***In compliance with the  
AMERICANS WITH DISABILITIES ACT***

*The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service, contact the City Clerk's Office at (619) 691-5041 at least forty-eight hours in advance of the meeting.*